IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 312 of 2005

Between:

Jeedimetla Industrial Housing Society, rep. by its President, K. Malla Reddy,
S/o. Ram Reddy Office at APIIC Colony,
IDA Jeedimetla, Hyderabad.

.....PETITIONER

AND

1 The Hyderabad Urban Development Authrority, rep. by its Vice Chairman, Secunderabad.
2 The A.P. Industrial Infrastructure Corporation, rep. by its Vice-Chairman/Manaing Director,
Basheerbagh, Hyderabad.
3 The A.P. Industrial Infastructure Corporation, Sananthnagar, rep. by Senior Manager, Industrial Estate Sanathnagar, Hyd.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in converting the open area into plot Nos. d10 and 11 in pursuance of the permit issued by the respondent No.1 through permit No.6750 LC No. 6750/MPZ/HUDA/94, dated. 27.6.1995 as illegal and arbitrary and set aside the auction notice issued by the respondent No.3 proposing to auction Plot Nos. 10 and 11 in pursuance of notification NO.2/ZM/JDM/2004-2005, dated. 31.12.2004 published in Deccan Chronicle on 3.1.2005; and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.V.MANOHAR RAO

Counsel for the Respondent No.1: MR.B.VISWANADHA REDDY

Counsel for the RespondentS 2 &3: MR.E.MADAN MOHAN RAO

The Court made the following:

ORDER:

Challenging the action of the respondents 2 & 3 in converting the open area into plots bearing Nos.10 and 11 in pursuance of the permit issued by the 1st respondent vide permit No.6750 LC No.6750/MPZ/HUDA/94, dated 27.06.1995, the present writ petition is filed.

The respondents 2 & 3 issued a paper publication, dated 31.12.2004, proposing to sell the plot Nos.10 and 11 in an open auction. The grievance of the petitioner is that originally the land in question is the open area left for common amenities by the 1st respondent in the approved plan. Therefore, the right of the petitioner is effected.

On the other hand, the learned Standing Counsel for the Respondent-Corporation contended that in the approved plan the open space left was not earmarked for any common amenities and there is no violation as has been alleged by the petitioner in the writ petition. Therefore, the writ petition is not maintainable.

As seen from the approved plan, it is not a case of converting public park or site earmarked for any public purpose. The property proposed to be put to public auction is earmarked for open space. It is always open for the respondents to take appropriate decision to sell the plots. It would be different matter if the property proposed to be put to auction is left for common amenities, but that is not the case. The petitioner has not made out any case that the respondents have violated the approved plan and thereby the rights of the petitioner are infringed. In the absence of all these things, the writ petition is devoid of merit.

With the above observations, the writ petition is dismissed at the stage of admission.

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K.C. Bhanu, J

Date:19.01.2005

MRKR

To

1 The Vice Chairman,

Hyderabad Urban Development Authrority,

Secunderabad.

2 The Vice-Chairman/Managing Director

A.P. Industrial Infrastructure Corporation, Basheerbagh, Hyderabad.

3 The Senior Manager,

A.P. Industrial Infastructure Corporation, Sananthnagar, Hyd.

4. Two C.D. copies